

California Victim Compensation and Government Claims Board

Open Meeting Minutes

May 14, 2004

The California Victim Compensation and Government Claims Board convened its regular session at the call of Chairperson Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, May 14, 2004, at 10:05 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Judith Kopec, Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; and Christina M. Aceituno, Manager, Government Claims Program. Sally Gill, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

EXECUTIVE OFFICER'S REPORT

Karen McGagin, Executive Officer, thanked the Board Members for the opportunity to serve as the Executive Officer and discussed her immediate goals, which are to incorporate efficient services to the victim community, and to focus on reducing administrative costs. Next, Ms. McGagin reported on the "Executive Officer's Report," dated May 14, 2004. Ms. McGagin noted that it has been suggested the Board reduce administrative costs by cutting the Criminal Restitution Compacts. Staff believes this issue needs further development and is gathering additional information. Next, Ms. McGagin reported the Audits and Investigations Branch and Quality Assurance Mental Health Section are conducting a fiscal audit and clinical review of Non-Profit Providers Agreements, which should be completed by fall 2004. Ms. McGagin then reported on the court order debt collections from the Franchise Tax Board, which has significantly increased this quarter. Finally, Ms. McGagin discussed the "Contracts Report" dated April 2004.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:15 a.m.

Item 1¹ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated April 30, 2004, with the following changes:

Item 18 **Claimant: Hewlett Packard** **G537087**
Staff requested the claim be continued for further investigation.

Item 19 **Claimant: Verizon** **G537701**
Staff requested the claim be continued for further investigation.

Item 32 **Claimant: Mike Wadle** **G539807.L**

The claimant requested the claim be withdrawn.

Item 39 **Claimant: City of Brisbane** **G540547**

Staff requested the claim be continued for further investigation.

Item 66 **Claimant: Daniel Arriola** **G542024**

The Department of Corrections will pay this claim directly therefore no action is necessary.

A.	Total claims awarded on consent	73	
	To be paid under GC § 965	25 For	\$56,497.44
	To be paid under claims bill	48 For	\$53,915.91
B.	Claims rejected on consent	215	

Item 2 **CLAIMANT: Larry Alary** **G522578**

Rob Boriskin, Assistant Deputy Director Administration, appeared on behalf of the Department of Fish and Game. The Board voted to adopt the claims examiner recommendation to allow the claim in the amount of \$9,735.00 pursuant to Government Code section 13928.

Item 3 **CLAIMANT: Marcia Boyd** **G528068**

Glenda Smith, Classification and Pay Manager, appeared on behalf of the Department of Corrections. The Board voted to adopt the staff recommendation to reject the claim for a twenty – five year service certificate and a change to the retirement classification, and to allow the claim for out-of-class compensation in the amount of \$11,789.00 pursuant to Government Code section 13928.

Item 4 **CLAIMANT: Kellan Fluckiger** **G537479**

Laura Doll, Chief Executive Officer, appeared on behalf of the California Power Authority. The Board voted to adopt the staff recommendation to allow the claim for the amount of \$144,400.00 pursuant to Government Code section 965.

Item 5 Christina M. Aceituno, Manager, Government Claims Program, presented the “Applications Filed by Charitable Organizations to Participate in the 2004 California State Employees Charitable Campaign.” After review and discussion, the Board voted to approve the Principal Combined Fund Drive agencies, affiliate member agencies, and non-affiliated beneficiary applications as recommended by staff.

The Government Claims Program was completed at 10:30 a.m.

The Board voted to adopt the minutes of the April 23, 2004, Board Meeting.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:32 a.m.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 5, and deny the requests for reconsideration for agenda item numbers 7 through 12, and continued the request for reconsideration for agenda item number 6.

6. CLAIMANT **621837V**

The Board voted to continue this matter.

7. CLAIMANT **666263V**

8. CLAIMANT **684775V**

9. CLAIMANT **695807V**

10. CLAIMANT **702550V**

11. CLAIMANT **777430V**

12. CLAIMANT **781697V**

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, agenda item numbers 13 through 25.

Item 26 Judith Kopec, Chief Counsel, presented the proposed precedent decision in the matter of the application of Elizabeth M., application number 737837, regarding good cause for filing a late application. After discussion the Board voted to adopt the precedent decision as number 04-04.

Item 27 David Shaw, Deputy Executive Officer, Revenue Recovery and Appeals Division, presented the "Proposal Regarding Contract with the California Department of Corrections for the Collection and Disbursement of Restitution Funds for Fiscal Year 2004-2005." After discussion the Board voted to authorize the Executive Officer to enter into the contract for the amount of \$345,552.00, as recommended by staff.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board adjourned into a closed Executive Session with the Board's Chief Counsel, the Executive Officer, and the Chief Deputy Executive Officer, at 10:30 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 10:40 a.m.

PROPOSED DECISIONS

Item 28 **CLAIMANT** **422158V**

The Board voted to adopt the proposed decision.

Item 29 **CLAIMANTS** **528577V & 528572V**

The Board voted to remand this matter to the Hearing Officer for further development of the record concerning the factors used to determine whether additional mental health treatment should be authorized.

Item 30 **CLAIMANT** **584382V**

The Board voted to adopt the proposed decision.

Item 31 **CLAIMANT** **603096V**

The Board voted to adopt the proposed decision.

Item 32 **CLAIMANT** **629274V**

The Board voted to remand this matter to the Hearing Officer for further development of the record concerning the factors used to determine whether additional mental health treatment should be authorized.

Item 33 **CLAIMANT** **641248V**

The Board voted to adopt the proposed decision.

Item 34 **CLAIMANT** **677867V**

The Board voted to adopt the proposed decision.

Item 35 **CLAIMANT** **698332V**

The Board voted to adopt the proposed decision.

Item 36 **CLAIMANT** **715307V**

The Board voted to adopt the proposed decision.

Item 37 **CLAIMANT** **716194V**

The Board voted to adopt the proposed decision.

Item 38 **CLAIMANT** **730225V**

The Board voted to adopt the proposed decision.

Item 39 **CLAIMANT** **731219V**

The Board voted to adopt the proposed decision.

Item 40 **CLAIMANT** **734456V**

The Board voted to adopt the proposed decision.

Item 41 **CLAIMANT** **741969V**

The Board voted to adopt the proposed decision.

Item 42 **CLAIMANT** **755119V**

The Board voted to adopt the proposed decision.

Item 43 **CLAIMANT** **762360V**

The Board voted to adopt the proposed decision.

Item 44 **CLAIMANT** **768143V**

The Board voted to adopt the proposed decision.

Item 45 **CLAIMANTS** **775102V, 775096V, 775058V, & 775093V**

The Board voted to adopt the proposed decision.

Item 46 **CLAIMANT** **786987V**

The Board voted to adopt the proposed decision.

Item 47 **CLAIMANT** **787535V**

The Board voted to adopt the proposed decision.

The meeting was adjourned at 10:45 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____
Sally Gill
Board Liaison

(Affix seal here)